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JUL 22 1994

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MM Docket No. 94-41
Table of Allotments,)	RM-8443
FM Broadcast Stations)	RM-_____
(Cordova, Alabama, and)	
Dora, Alabama))	

To: Chief, Allocations Bureau

COMMENTS AND COUNTERPROPOSAL

New Century Radio, Inc. ("New Century"), licensee of FM broadcast station WFFN, which currently operates on Channel 237A at Cordova, Alabama, by its attorney, hereby submits its Comments in response to the Notice of Proposed Rule Making (DA 94-427), released in the above-noted proceeding on May 31, 1994. New Century (a) supports the proposed substitution of Channel 237A for Channel 223A at Cordova and the modification of its authorization accordingly, and (b) requests that the Commission issue a Notice of Proposed Rule Making which looks toward amending the FM Table of Allotments, Section 73.207(b) of the Commission's Rules, by reallocating Channel 223A to Dora, Alabama. In support thereof, the following is shown:

I. Substitution of Channel 237A for Channel 223A at Cordova

In its Notice of Proposed Rule Making, the Acting Chief of the Allocations Branch concluded that "the public interest would be served by proposing the substitution of Channel 237A for

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Channel 223A at Cordova since it would enable Station WFFN(FM) to expand its coverage area." The Notice provided the following summary of the public interest benefits of the proposed change which was demonstrated by New Century in its Petition for Rule Making filed on January 25, 1994:

"Petitioner states that the site restriction placed on Channel 223A at Cordova would remove it from its core market and would result in the loss of a second and third city grade signal to 21,604 persons. Moreover, petitioner advises that its relocation on Channel 223A would deliver Station WFFN(FM)'s signal to areas presently well served by signals in the Birmingham area. Specifically, petitioner states that operation of Station WFFN(FM) on Channel 223A would result in the provision of a ninth 70 dBu service to approximately 26,480 people, a second city grade service to approximately 65 people in an area comprising less than one square kilometer; and a third 70 Dbu signal to approximately 566 people in an area of 14.4 square kilometers. If permitted to remain on Channel 237A, petitioner asserts that Station WFFN(FM) would provide a second 70 dBu signal to 7,384 people in an area of 118.3 square kilometers, as well as a third city grade signal to 14,220 people in an area of 134.4 square kilometers."

As pointed out in the attached Technical Statement of Kirk A. Tollett, New Century's consulting engineer, the Cordova area has been subjected to damaging floods and severe weather warning and watches. Accordingly, the loss of a local full-time radio service would deprive residents of the Cordova area of their only full-time source of local weather information and could result in substantial loss of life and property. Thus, allowing Channel 237A to remain allotted to Cordova will promote the congressional mandate of Section 307(b) of the Communications Act by allowing 21,604 residents of Walker County to retain the only station

which locally originates programming of interest to County residents. Also, if Station WFFN were forced to move to Channel 223A, New Century Radio, Inc. would be required to locate a new transmitter site and to replace the station's existing studios -- all of which would be disruptive as well as economically injurious.

II. Allotment of Channel 223A at Dora

New Century, pursuant to Section 1.415 of the Commission's Rules, herewith submits the following counterproposal in response to the Notice of Proposed Rule Making:

Channel No.		
<u>City</u>	<u>Present</u>	<u>Proposed</u>
Dora, Alabama	None	223A

Dora, Alabama (U.S. Census population 2,214) is an incorporated city located in the eastern portion of Walker County. Dora has its own local government consisting of a Mayor and Town Council, local police protection and a local fire department. WPYK(AM), a daytime-only station, is the only radio station licensed to the City of Dora. Thus, the allotment of Channel 223A to Dora will result in the provision of a first full-time aural service to that community.

As shown in the attached Technical Statement, Channel 223A can be allocated to Dora with a site restriction of 5.0

kilometers to the southwest in accordance with minimum mileage separation requirements of Section 73.207(b)(1) of the Commission's Rules. Figure 3 of the Technical Statement demonstrates the signal of the proposed facility would provide city grade coverage of the entire community of Dora.

WHEREFOR, in view of the foregoing, New Century Radio, Inc. respectfully requests that the Allocations Branch issue (a) a Report and Order amending the FM Table of Allotments by substituting Channel 237A for Channel 223A at Cordova, Alabama, and (b) a Notice of Proposed Rule Making which looks toward amending the FM Table of Allotments by reallocating Channel 223A to Dora, Alabama. If the Commission were to allot Channel 223A to Dora, New Century will file an application for the channel and if authorized, will build the station promptly.

Respectfully submitted,

NEW CENTURY RADIO, INC.

By: Erwin G. Krasnow
Erwin G. Krasnow

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Its Attorney

July 22, 1994

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New Century Radio, Inc.
400 Third Avenue
Jasper, AL 35501

Technical Statement

MM Docket 94-14

July 8, 1994

TECHNICAL STATEMENT
In support of
Comments and Counterproposal
MM Docket 94-14, RM-8443

New Century Radio, Inc.
Cordova and Dora, Alabama

INTRODUCTION

This technical statement has been prepared on behalf of New Century Radio, Inc., ("NCRI"), licensee of Radio Stations WFFN-FM, Cordova, Alabama and WARF-AM in Jasper, Alabama. This statement is provided in support of its Comments and Counterproposal offered in response to MM Docket 94-14.

COMMENTS

NCRI currently operates FM broadcast station WFFN on Channel 237A at Cordova, Alabama. In the Petition for Rulemaking initially filed by NCRI in Docket 94-14, it was demonstrated that if WFFN were forced to change its operation from Channel 237 to Channel 223, approximately 21,604 people would lose a second or third full time city grade service. Since the only other FM licensed to this area now maintains its full time studios in Tuscaloosa, Alabama some 56 miles away, and the only other FM stations covering the WFFN market area are in Birmingham some 45 miles away, WFFN is the only real local full time service for those 21,604 people. Furthermore, in light of recent flooding and persistent severe weather warnings and watches, which this area has been subject to for many years, deprivation of a local full time radio service which regularly updates listeners concerning specific local weather conditions, could result in substantial loss of life and property. Therefore, NCRI should be allowed to continue its operation on Channel 237A at Cordova, Alabama.

COUNTERPROPOSAL

NCRI, pursuant to Section 1.415 of the Commission's Rules, herewith is submitting a Counterproposal in response to the Commission's Notice of Proposed Rulemaking (MM Docket 94-14), requesting a change in the FM Table of Assignments, Paragraph 73.202(b) of the FCC Rules as follows:

Location	Present	Proposed
Dora, Alabama	None	223A

Dora, Alabama is an incorporated City located in the eastern portion of Walker County, in Northwest Alabama. Dora has its own local government consisting of a Mayor and Town Council, local police protection and a local fire department. 1990 U.S. Census figures for the City of Dora was 2,214 persons. The 1990 Census figures for Walker County were 67,670 persons. Radio Station WPYK-AM is currently the only Radio Station licensed to the City of Dora. WPYK-AM is a Class D, AM facility providing daytime only service to the City of Dora. No local full time service is currently available to the City of Dora, Alabama.

Figure 1, is a computer generated allocation study using the Commission's specified method of distance computations, demonstrating the assignability of FM Channel 223A to Dora, Alabama. The information contained in Figure 1, was utilized in preparation of the pertinent arcs contained in Figure 2.

Figure 2 is a full scale reproduction of a portion of a NOAA 1:500,000 map entitled "Atlanta". Upon it has been superimposed a cross mark which represents the coordinates utilized in the preparation of this Report. The geographic coordinates selected for this study were:

N 33° 39' 15"

W 87° 09' 30"

Figure 2, details the area of Dora and the pertinent arcs from all co-channel as well as adjacent channel facilities, allocated, assigned or operational within 200 miles of the proposed allocation. Figure 2 demonstrates there is ample clearance to locate a tower site that would place the required unobstructed city grade signal, (70 dBu), over the entire City of Dora, Alabama. It can be determined from Figure 2, that Channel 223A can be allocated to Dora with a site restriction of 5.0 kilometers to the southwest. Figure 3 demonstrates the possible city grade signal of the proposed facility utilizing a hypothetical tower, with a center of radiation 100 meters above average terrain and an effective radiated power of six kilowatts from the reference coordinates used in this petition.

CONCLUSION

As can be gleaned from the attached figures, Channel 223A can be added to the Federal Communications Commission Table of Assignments with out the necessity of any other changes and without the creation of any new preclusion area. Based on this information, and the figures that are included in this Report, we believe that the proposed assignment would be in full compliance with the Federal Communications Commission's Rules, and that Channel 223A could be assigned to Dora, Alabama as that communities first fulltime local broadcast service.

Therefore, New Century Radio, Inc., respectfully requests amendment of the Commission's Table of Assignments, Section 73.202(b), and will promptly apply for a construction permit, should the Federal Communications Commission make the requested assignment.

Respectfully,

Kirk A. Tollett
Consultant to New Century Radio, Inc.
July 8, 1994

FIGURES INDEX

FIGURE 1.....FM SEPARATION STUDY
CHANNEL 223A

FIGURE 2.....FM CLEARANCE MAP
CHANNEL 223A

FIGURE 3.....PREDICTED CITY
GRADE CONTOUR

FIGURE 1
FM SEPARATION STUDY
NEW CENTURY RADIO, INC.
NEW-FM, CHANNEL 223A
DORA, ALABAMA

MAPFM search of channel 223A+ (92.5 MHz), at N. 33 39 15, W. 87 9 30.

Searching Channel 223A+ (92.5 MHz):

CALL	CITY	ST	CHN	CL	S	DIST	SEPN	BRNG	CLEARANCE
WGIB	Birmingham	AL	220	A	L	37.5	31.0	120.3°	6.5
WKUL	Cullman	AL	221	A	A	71.8	31.0	33.4°	40.8
ALC	Cullman	AL	221	A	U	64.9	31.0	26.8°	33.9
ALC	Hamilton	AL	221	A	U	92.6	31.0	303.7°	61.6
NEW-T	Tuscaloosa	AL	221	D	A	64.3	0.0	209.6°	64.3
WKUL	Cullman	AL	221	A	L	64.9	31.0	26.8°	33.9
WERHFM	Hamilton	AL	221	A	L	92.6	31.0	303.7°	61.6
ALC	Montgomery	AL	222	C	U	165.2	165.0	147.1°	0.2
ALC	Chattanooga	TN	222	C	U	235.5	165.0	45.8°	70.5
WLWIFM	Montgomery	AL	222	C	L	165.3	165.0	147.1°	0.3
WDEFFM	Chattanooga	TN	222	C	L	235.5	165.0	45.8°	70.5
WAZK	Trinity	AL	223	A	L	117.3	115.0	3.5°	2.3
ALC	Forest	MS	223	C	U	255.6	226.0	235.9°	29.6
ALC	Baldwyn	MS	223	A	U	164.4	115.0	300.9°	49.4
WQSTFM	Forest	MS	223	C	A	255.6	226.0	235.9°	29.6
WFFN	Cordova	AL	223	A	D	4.1	115.0	308.9°	-110.9
ALC	Cordova	AL	223	A	V	4.1	115.0	308.9°	-110.9
WESE	Baldwyn	MS	223	A	L	166.0	115.0	301.8°	51.0
WESE	Baldwyn	MS	223	A	A	166.0	115.0	301.8°	51.0
ALC	Trinity	AL	223	A	U	105.8	115.0	3.5°	-9.2
WQSTFM	Forest	MS	223	C	L	255.6	226.0	235.9°	29.6
ALC	Arab	AL	224	A	U	101.8	72.0	40.7°	29.8
ALC	Haleyville	AL	224	A	U	77.4	72.0	326.1°	5.4
ALC	Talladega	AL	224	A	U	92.5	72.0	106.9°	20.5
WCRQFM	Arab	AL	224	A	L	101.8	72.0	40.7°	29.8
WJBBFM	Haleyville	AL	224	A	L	77.4	72.0	326.1°	5.4
WCRQFM	Arab	AL	224	A	C	101.8	72.0	40.6°	29.8
WCRQFM	Arab	AL	224	A	C	101.8	72.0	40.6°	29.8
WEYYFM	Talladega	AL	224	A	L	92.5	72.0	106.9°	20.5
ALC	Tuscaloosa	AL	225	C1	U	75.1	75.0	208.7°	0.0
WTUGFM	Tuscaloosa	AL	225	C1	L	75.8	75.0	208.7°	0.8
W226AE	Center Point	AL	226	D	C	43.5	0.0	103.9°	43.5
W276AG	Center Point, etc.	AL	276	D	L	43.6	0.0	103.5°	43.6

FIGURE 1

FM SEPARATION STUDY

NEW CENTURY RADIO, INC.

NEW-FM, CHANNEL 223A

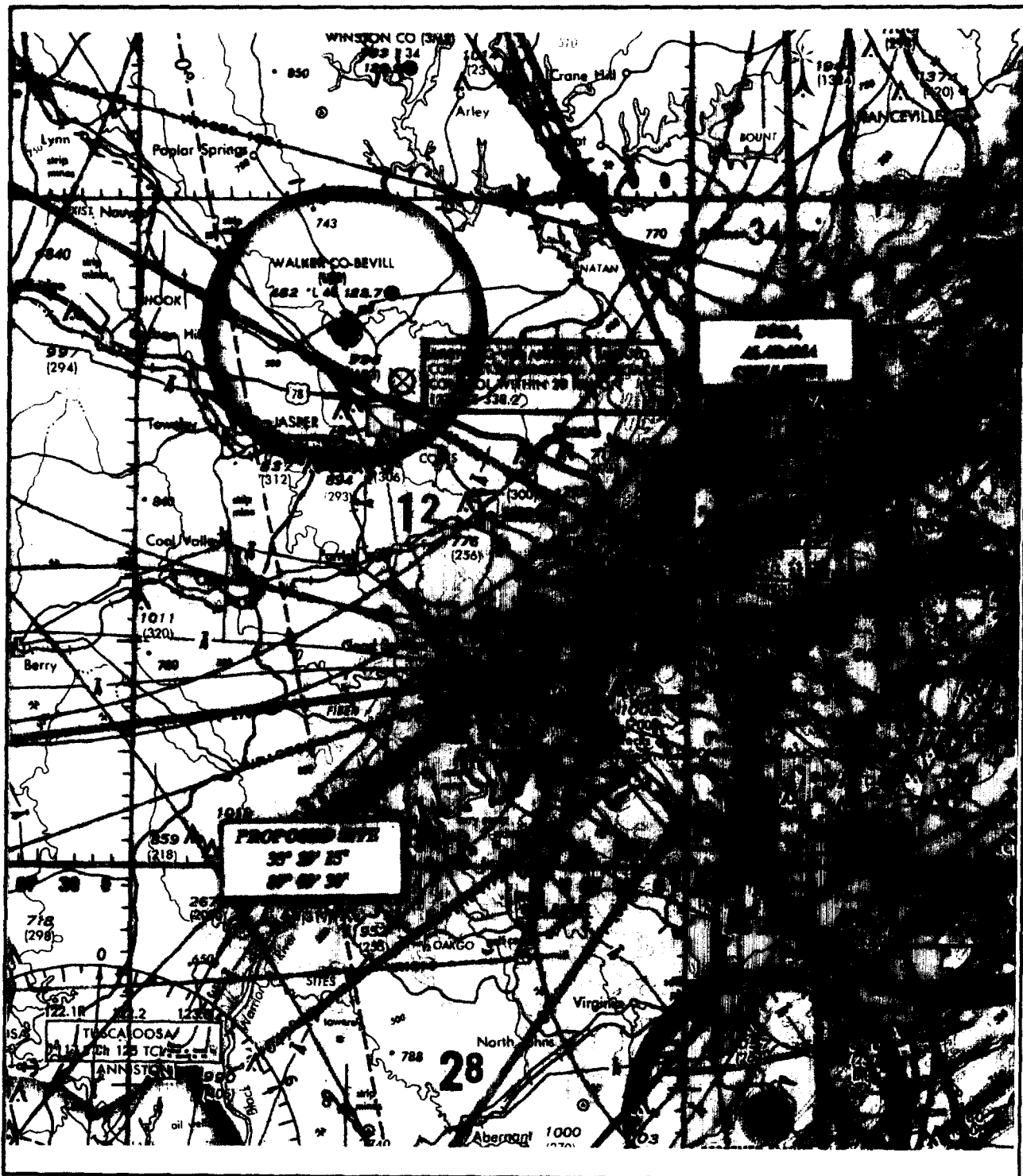
DORA, ALABAMA

MAPFM search of channel 223A+ (92.5 MHz), at N. 33 39 15, W. 87 9 30.

Searching Channel 223A+ (92.5 MHz):

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ALC	Chattanooga	TN	222	C	U	235.5	165.0	45.8°	70.5
WLWIFM	Montgomery	AL	222	C	L	165.3	165.0	147.1°	0.3
WDEFFM	Chattanooga	TN	222	C	L	235.5	165.0	45.8°	70.5
WAZK	Trinity	AL	223	A	L	117.3	115.0	3.5°	2.3
ALC	Forest	MS	223	C	U	255.6	226.0	235.9°	29.6
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ALC	Cordova	AL	223	A	V	4.1	115.0	308.9°	-110.9
WESE	Baldwyn	MS	223	A	L	166.0	115.0	301.8°	51.0
WESE	Baldwyn	MS	223	A	A	166.0	115.0	301.8°	51.0
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WQSTFM	Forest	MS	223	C	L	255.6	226.0	235.9°	29.6
ALC	Arab	AL	224	A	U	101.8	72.0	40.7°	29.8
ALC	Haleyville	AL	224	A	U	77.4	72.0	326.1°	5.4
ALC	Talladega	AL	224	A	U	92.5	72.0	106.9°	20.5
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WEYYFM	Talladega	AL	224	A	L	92.5	72.0	106.9°	20.5
ALC	Tuscaloosa	AL	225	C1	U	75.1	75.0	208.7°	0.0
WTUGFM	Tuscaloosa	AL	225	C1	L	75.8	75.0	208.7°	0.8
W226AE	Center Point	AL	226	D	C	43.5	0.0	103.9°	43.5
W276AG	Center Point, etc.	AL	276	D	L	43.6	0.0	103.5°	43.6

FIGURE 2
FM CLEARANCE MAP
NEW CENTURY RADIO, INC.
NEW-FM, CHANNEL 223A
DORA, ALABAMA



Scale 1:500,000

1 inch equals approximately 8 miles

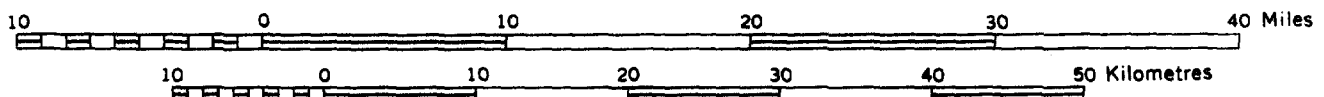
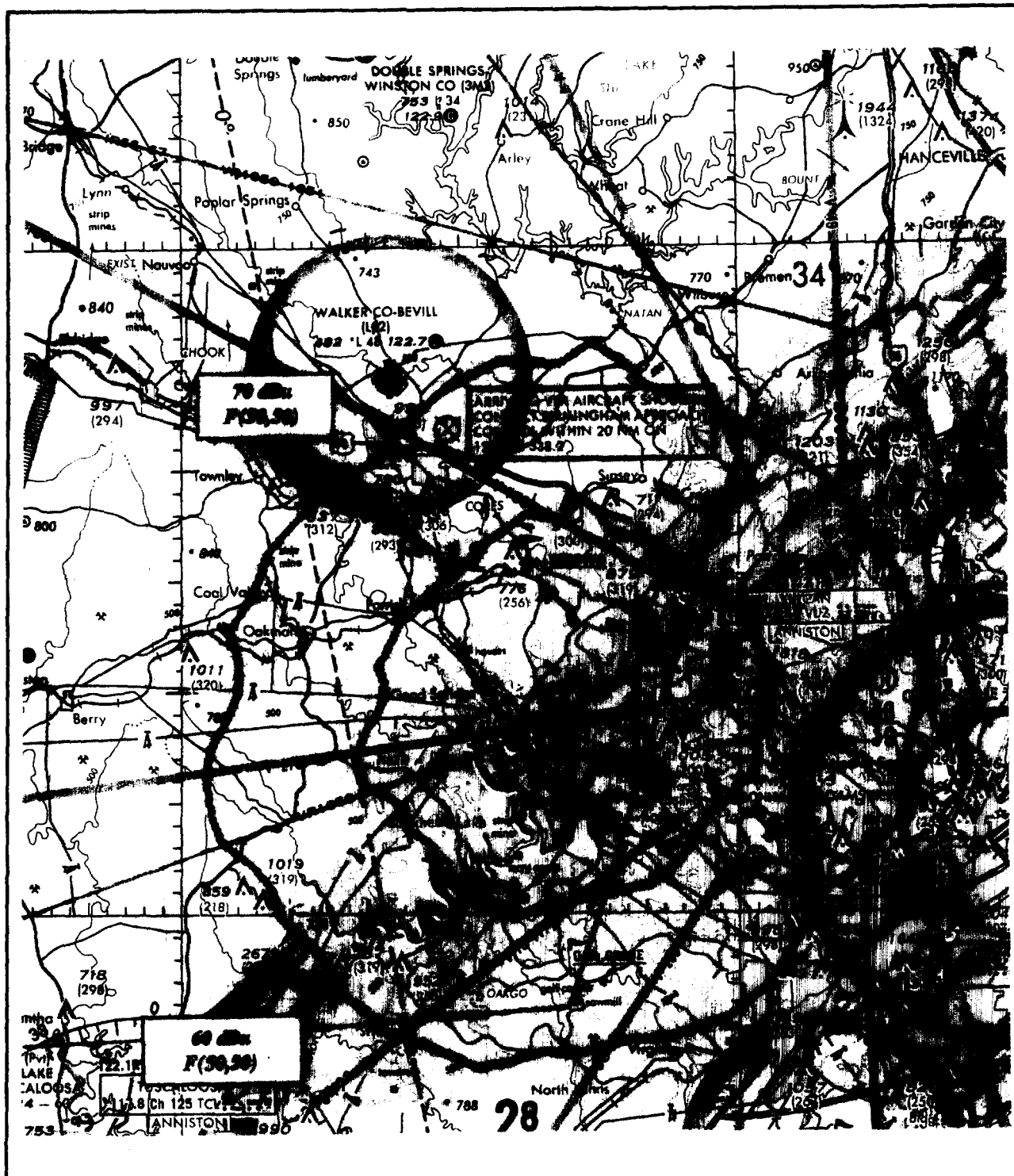
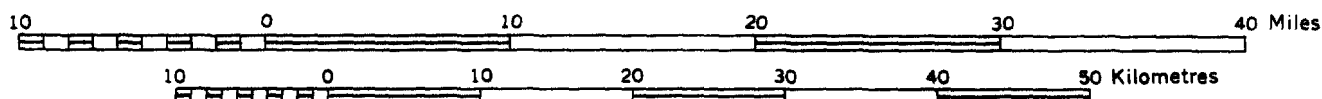


FIGURE 3
PREDICTED CITY GRADE CONTOUR
NEW CENTURY RADIO, INC.
NEW-FM, CHANNEL 223A
DORA, ALABAMA



Scale 1:500,000

1 inch equals approximately 8 miles



CERTIFICATION

Kirk A. Tollett hereby certifies that;

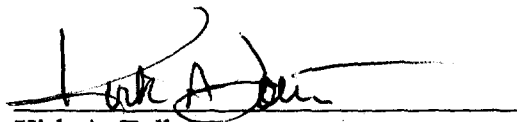
He is owner of Commsouth Media Associates, a broadcast consulting firm based in Jasper, Alabama;

His qualifications in broadcast matters are a matter of record before the Federal Communications Commission having been presented and accepted on many occasions in the past;

That he has been retained by New Century Radio, Inc., for the purpose of developing technical exhibits and analyses for the instant filing;

That the accompanying technical report and figures were developed by him personally or under his immediate supervision and that all the information presented therein is true and correct to the best of his knowledge and belief.

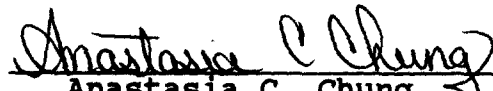
Signed and dated this 8th day of July, 1994


Kirk A. Tollett
Commsouth Media Associates
4001 Highway 78 East
Jasper, Alabama 35501
(205)384-4656

CERTIFICATE OF SERVICE

I, Anastasia C. Chung, a secretary in the law firm of Verner, Liipfert, Bernhard, McPherson and Hand, Chartered, do hereby certify that the foregoing "Comments and Counterproposal" was mailed first-class, postage prepaid, this 22nd day of July 1994, to the following:

Victoria M. McCaulay
Assistant Chief Allocations Branch
Policy and Rules Division
Mass Media Bureau
Federal Communications Commission
Room 8322 ... Stop Code 1800D5
2025 M Street, N.W
Washington, D.C. 20554


Anastasia C. Chung